

## Committee Agenda

Committee: Senate Agriculture and Natural Resources  
Room: 412  
Date: Tuesday, February 14, 2012  
Time: 10:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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- HB 1037      **revise the purpose of the agriculture mediation program.**  
The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture
- HB 1038      **increase the penalty for leaving the brand inspection area without necessary inspection and authorization.**  
The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture
- HB 1070      **revise certain provisions relating to the certificate of health requirement for the importation of animals.**  
Representatives Rausch, Blake, Brunner, Cronin, Gosch, Hoffman, Hunhoff (Bernie), Jensen, Kirkeby, Kopp, Lust, Magstadt, Olson (Betty), Perry, Rozum, Scott, Solum, Street, Stricherz, Vanneman, Verchio, White, Wick, Willadsen, and Wink and Senators Rhoden, Begalka, Brown, Cutler, Juhnke, Maher, Olson (Russell), Rave, Sutton, Tidemann, and Tieszen

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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SHANTEL KREBS, Chair

87<sup>th</sup> Legislative Session – 2012

Committee: Senate Commerce and Energy

Tuesday, February 14, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
E Buhl  
P Johnston  
P Lederman  
P Rave  
P Nygaard, Vice-Chair  
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice-Chair, Senator Nygaard.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 10<sup>TH</sup>

Moved by: Rave  
Second by: Johnston  
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF PAMELA ROBERTS OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF LABOR AND REGULATION

Moved by: Johnston  
Second by: Adelstein  
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

HB 1059: revise Article 9 of the Uniform Commercial Code.

THE CHAIR DEFERRED HB 1059 UNTIL ANOTHER DAY

HB 1033: clarify certain requirements relating to insurance examinations.

Presented by: Merle Scheiber, Department of Labor and Regulation

MOTION: DO PASS HB 1033

Moved by: Rave

Second by: Lederman

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1033 ON CONSENT CALENDAR

Moved by: Johnston

Second by: Rave

Action: Prevailed by voice vote.

HB 1034: revise the circumstances under which alterations may be made to certain insurance applications.

Presented by: Randy Moses, Department of Labor and Regulation

MOTION: DO PASS HB 1034

Moved by: Rave

Second by: Johnston

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1034 ON CONSENT CALENDAR

Moved by: Johnston  
Second by: Rave  
Action: Prevailed by voice vote.

HB 1035: allow the disclosure of the status of certain insurance investigations and examinations.

Presented by: Randy Moses, Department of Labor and Regulation

MOTION: DO PASS HB 1035

Moved by: Rave  
Second by: Johnston  
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard

Excused: Buhl, Nelson (Tom)

MOTION: PLACE HB 1035 ON CONSENT CALENDAR

Moved by: Johnston  
Second by: Rave  
Action: Prevailed by voice vote.

HB 1071: increase the benefits that the Insurance Guarantee Association may become obligated to cover for annuities.

Presented by: Senator Dan Lederman  
Proponents: Representative Mark Willadsen  
Merle Scheiber, Department of Labor and Regulation  
Dick Gregerson, American Council of Life Ins.

MOTION: AMEND HB 1071

1071ra

On page 8, after line 13 of the printed bill, insert:

" Section 2. The provisions of this Act apply to coverage the guaranty association provides in connection with a member insurer that is placed under an order of liquidation with a finding of insolvency on or after January 1, 2012.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval retroactive to January 1, 2012."

Moved by: Adelstein  
Second by: Rave  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1071 AS AMENDED

Moved by: Rave  
Second by: Lederman  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Buhl

MOTION: AMEND TITLE OF HB 1071

1071rta

On page 1, line 2, of the printed bill, after "annuities" insert ", to provide for retroactive application, and to declare an emergency".

Moved by: Rave  
Second by: Adelstein  
Action: Prevailed by voice vote.

HB 1073: prohibit certain indemnity provisions in motor carrier transportation contracts.

Presented by: Senator Mark Johnston  
Proponents: Myron Rau, SD Trucking Association (Handout #1)

MOTION: DO PASS HB 1073

Moved by: Rave  
Second by: Adelstein  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Buhl

MOTION: PLACE HB 1073 ON CONSENT CALENDAR

Moved by: Johnston

Second by: Adelstein

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Johnston

Second by: Rave

Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Eldon Nygaard, Vice-Chair

87<sup>th</sup> Legislative Session – 2012

Committee: Senate Education

Tuesday, February 14, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Bradford  
P Kraus  
P Rampelberg  
P Rave  
P Schlekeway  
P Gray, Vice-Chair  
P Johnston, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Mark Johnston, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 9, 2012

Moved by: Kraus  
Second by: Rampelberg  
Action: Prevailed by voice vote.

HB 1007: repeal certain outdated and obsolete statutes regarding the Department of Education.

Presented by: Melody Schopp, Department of Education (Handouts: 1, 2)

MOTION: DO PASS HB 1007

Moved by: Rave  
Second by: Schlekeway  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

MOTION: PLACE HB 1007 ON CONSENT CALENDAR

Moved by: Schlekeway  
Second by: Rave  
Action: Prevailed by voice vote.

HB 1006: revise certain outdated and obsolete provisions regarding the Department of Education.

Presented by: Melody Schopp, Department of Education (Handout: 3)

MOTION: DO PASS HB 1006

Moved by: Rampelberg  
Second by: Rave  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

MOTION: PLACE HB 1006 ON CONSENT CALENDAR

Moved by: Rave  
Second by: Kraus  
Action: Prevailed by voice vote.

HB 1005: revise certain provisions regarding the excuse from attendance of children receiving alternative instruction.

Presented by: Bobbi Rank, Department of Education (Handout: 4)  
Opponents: Dick Tieszen, Sioux Falls & Rapid City School Districts

MOTION: DO PASS HB 1005

Moved by: Rave  
Second by: Kraus  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

Voting No: Bradford



HB 1124: permit a school district, at the discretion of the school district, to pay the fees charged for any criminal background investigation that is required by law for a prospective employee.

Presented by: Senator Todd Schlekeway  
Proponents: John Pedersen, School Administrators of SD  
Sandra Waltman, SD Education Association

MOTION: DO PASS HB 1124

Moved by: Gray  
Second by: Rampelberg  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

MOTION: PLACE HB 1124 ON CONSENT CALENDAR

Moved by: Kraus  
Second by: Rave  
Action: Prevailed by voice vote.

HB 1147: remove the individual liability of a school board member who authorizes the making of a void contract, check or registered warrant.

Presented by: Representative Jacqueline Sly (Handout: 5)  
Proponents: Tim Mitchell, Rapid City Area Schools (by telephone)  
Wade Pogany, Associated School Boards of SD

MOTION: DO PASS HB 1147

Moved by: Rampelberg  
Second by: Rave  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

Excused: Bradford

MOTION: PLACE HB 1147 ON CONSENT CALENDAR

Moved by: Rampelberg

Second by: Schlekeway  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Schlekeway  
Second by: Gray  
Action: Prevailed by voice vote.

Kay Johnson  
Committee Secretary

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J. Mark Johnston, Chair

## Committee Agenda

Committee: Senate Judiciary  
Room: 413  
Date: Tuesday, February 14, 2012  
Time: 7:45 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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HB 1021\*     **revise certain provisions regarding the rights of victims of crime.**  
The Committee on Judiciary at the request of the Department of Corrections

HB 1060     **permit a probationer who is a registered sex offender to reside in an assigned halfway house or supervised living center within a community safety zone.**  
The Committee on Judiciary at the request of the Chief Justice

HB 1061     **amend certain provisions related to interpreter services in the court system.**  
The Committee on Judiciary at the request of the Chief Justice

HB 1062     **clarify the supporting documentation necessary for a request to implement the standard visitation guidelines.**  
The Committee on Judiciary at the request of the Chief Justice

HB 1177\*     **establish provisions to exempt breastfeeding mothers or new parents from jury duty.**  
Representatives Magstadt, Blake, Brunner, Elliott, Haggar, Hickey, Hubbel, Hunt, Jensen, Jones, Kopp, Liss, Lucas, Miller, Moser, Munsterman, Nelson (Stace), Olson (Betty), Schaefer, Sly, and Venner and Senators Kraus, Begalka, Fryslie, Holien, Lederman, Maher, Nygaard, Rhoden, and Sutton

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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CRAIG TIESZEN, Chair